



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,390	04/11/2001	C. Richard Triola	CRT044UT	3769

7590 10/22/2003
EUGENE H VALET
314 10TH AVENUE SOUTH
EDMONDS, WA 98020

EXAMINER

BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/833,390

Applicant(s)

TRIOLA, C. RICHARD

Examin r

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 8th, 2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The amendment filed October 8th, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- a. In claim 1-3: "processes and procedures"
- b. In claim 4: "escrow-holder".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1-3 disclosed “processes and procedures”, and claim 4 disclosed “escrow-holder.” These disclosure are not describe in the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Raveis, Jr. (U.S. PG Pub No. 2002/0049624).

8. As per claims 1 and 21, Raveis Jr. teaches an apparatus for real state transfer processes and procedures comprising a computer based automation system having an internet communications and components associated with the internet communications for implementing, managing and tracking of escrow transactions the real estate transfer processes and procedures wherein data and document implementing, managing, and tracking are accessible to principals and parties during the transfer processes and procedures (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

9. As per claims 2, Raveis Jr. teaches an apparatus which includes program modules distributed between principals and parties to the transfer processes and procedures, providing predetermined party data entry and access and document and execution (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

10. As per claims 3, Raveis Jr. teaches a program modules including security measures providing for a variety of levels for the associated data entry and access to the transfer processes and procedures (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

11. As per claims 4, Raveis Jr. teaches a web based-server computer system for escrow of property comprising: at least one client module associated with at least one client party for initiating an escrow process with at least one escrow-holder party, and at least one server module

Art Unit: 3621

associate with the escrow-holder party, wherein a specific escrow account between the client party and the escrow party is established, maintained, tracked, and consummated via the client-server computer system (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

12. As per claims 5, Raveis Jr. teaches a system comprising on-line entry and transmission of escrow initiation, escrow instructions, escrow status tracking, and escrow consummation between the server party and the client party (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

13. As per claims 6, Raveis Jr. teaches a system wherein at least one server module associated with the escrow party further comprising: on-line entry and transmission of service provider data between the server party and at least one service provider (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

14. As per claims 7-10 Raveis Jr. teaches a system comprising computer code providing data security and digital identity authentication for each party, digital tracking transfer of funds or buyer-seller compensation arrangement and disbursement of the funds or other buyer-seller compensation at or after final closing of the escrow process (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

15. As per claims 11 and 17, Raveis, Jr. teaches a computerized, on-line method for real estate escrow transactions transfer comprising a computer based automation system of components for implementing, management and tracking of the escrow real estate transfer wherein data and document for implementing managing and tracking the escrow transaction is transfer are accessible online for specific parties to the escrow transfer (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*)..

16. As per claims 12, Raveis, Jr. teaches a computerized, on-line method of distributing the components as computer code modules residing at principals and parties to the escrow transfer for providing party-associated data entry and access (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*)..

17. As per claims 13, Raveis, Jr. teaches a computerized, on-line method including security measures providing for a variety of stat and access levels to the escrow data and documents (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

18. As per claims 14, Raveis Jr. teaches a process for a computerized escrow transaction comprising: providing escrow account data and electronic document, escrow status, broker status, lender status, buyer status, seller status, and vendor status via a centralized server associated with an escrow officer; and connecting parties to the computerized online estate escrow transaction using multiple computer network access devices via connectivity types which

Art Unit: 3621

include but are not limited to wireless, satellite, dial-up, or leased communications (*see figs 1 – 4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

19. As per claims 15, Raveis Jr. teaches a system for real-time or near-real-time escrow transactions processes and procedures and documentation, comprising online internet communication programs and associated with the internet communication programs: an appropriate data, electronic documents application, and transactional management network programs and including supporting network based applications for performing at least one of the escrow services selected from a group including receiving and storing escrow instructions upon submission by a party to the escrow transaction via a computerized communications device, disseminating instructions to all relevant parties by computer; providing escrow documentation, providing escrow documentation approvals; automating order specified services real-time and near-real-time display of escrow instructions, status, and activity, on-line digital identification authentication; transfer of ownership, closing escrow, releasing of escrow funds; and digital transfer of escrow funds (*see figs 1 – 4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

20. As per claims 16, Raveis Jr. teaches a method of doing business using an internet comprising: providing an on-line escrow account for parties to a transaction; providing on-line transactional account management services with respect to the on-line escrow account for the parties; and providing secure access to the on-line escrow account limited to the parties and third

Art Unit: 3621

parties using on-line identification authentication (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

21. As per claims 18, Raveis Jr. teaches a memory wherein the program code allowing escrow transaction data access only for specific parties to the escrow transaction further comprises: program code for identification authentication (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

22. As per claims 19, Raveis Jr. teaches a memory wherein the program code providing implementation, management, tracking, and closing of specific escrow transactions further comprises: program code for digital signatures (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

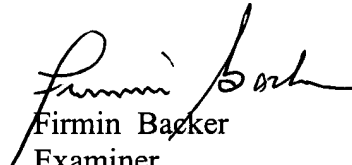
23. As per claims 20, Raveis Jr. teaches a memory comprising: program code for a method of doing business using an internet, the code including computerized processes for providing an on-line escrow account for parties to a transaction, providing on-line transactional account management services with respect to the on-line escrow account for the parties, and providing secure access to the on-line escrow account limited to the parties and third parties using on-line identification authentication (*see figs 1 –4B, 7, 8, 9, 10, paragraphs 0007, 0008, 0018, 0021, 0024, 0026, 0027, 0065, 0079, 0108-0112, 0173-0178*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Firmin Backer
Examiner
Art Unit 3621

October 17, 2003